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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

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IN THE MATTER OF DETERMINING
Whether there has been a violation
Of the Franchise Investment Protection Act by:

POOCHIE'S, a business,
STAN SIXKILLER and
VANDIE SIXKILLER,

Respondents.

SDO - 46A - 00

Statement of Charges and Notice of Intent to Issue an
Order to Cease and Desist

Case No. 00-02-0057

THE STATE OF WASHINGTON TO: Poochie's
Stan Sixkiller
Vandie Sixkiller
107 N. 27th Avenue
Yakima, Washington 98902

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STATEMENT OF CHARGES

Please take notice that the Securities Administrator of the State of Washington has reason to believe that Respondents have violated the Franchise Investment Protection Act and that their violations justify the entry of an order of the Securities Administrator under RCW 19.100.248 to cease and desist from such violations. The Securities Administrator finds as follows:

TENTATIVE FINDINGS OF FACT

I. RESPONDENTS

1. POOCHIE'S is a Washington business, which maintains a principal place of business at 107 N. 27th Avenue, Yakima, Washington.

STATEMENT OF CHARGES AND NOTICE OF
INTENTION TO ENTER ORDER TO CEASE AND DESIST

1

Poochie's

DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

1 2. STAN SIXKILLER and VANDIE SIXKILLER are the co-owners of Poochie's. Vandie and Stan Sixkiller,
2 dba Poochie's since 1992, offered to Washington residents the right to purchase a Poochie's food service
3 establishment.

4 II. NATURE OF THE OFFER

5 On March 13, 1998 four Washington residents entered into a written agreement with Stan and Vandie
6 Sixkiller, dba Poochie's. Under the explicit terms of this agreement, the purchasers were given the right to use
7 the trade name "Poochie's" in connection with the operation of a Poochie's food service establishment in an
8 exclusive territory in the Yakima, Washington area. A Poochie's business involves the operation of a food
9 service establishment featuring hot dogs and other related food products associated with the Poochie's trade
10 name.

11 Pursuant to this agreement, the obligations of the purchasers include: maintaining standards of quality
12 service as pertinent to the quality and preparation of Poochie's food products; maintaining its premises to
13 conform with specified standards of health, cleanliness, and neatness; complying with the requirements as to
14 menus and contents for all Poochie's food products; having their employees wear uniforms of a particular
15 design and color, and conducting minimum business hours. The agreement also establishes that the purchasers
16 will be provided with advice regarding merchandising, advertising, operations, and training of personnel.

17 Upon execution of the written agreement, the purchasers agreed to pay the offerors a fee of \$25,000,
18 including a \$10,000 down payment, with the remainder being paid in two annual installments of \$7,500. In
19 addition, the purchasers agreed to pay the offerors an amount equal to 4% of its gross sales on a monthly basis
20 for the duration of the agreement.

21 III. MISREPRESENTATIONS AND OMISSIONS

22 In connection with the offer and sale of a Poochie's food service establishment, Stan and Vandie Sixkiller,
23 dba Poochie's, failed to provide the purchasers with material information regarding the purchase, including a
24 complete Uniform Franchise Offering Circular (UFOC) with financial statements of the offeror.

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IV. REGISTRATION STATUS

On March 19, 1998, Poochie's, Stan Sixkiller, and Vandie Sixkiller caused to be filed with the Securities Division a Notice of Claim of Exemption for the offer of Poochie's franchises pursuant to RCW 19.100.030(4)(a) and (b)(ii) that, among other things, requires a franchisor to provide a prospective franchisee with an offering circular that complies with guidelines adopted by the Dept. of Financial Institutions. The offer and sale did not comply with the exemptions from registration under RCW 19.100.030 and RCW 19.100.030(4)(a) and (b)(ii), in particular because an offering circular complying with guidelines adopted by the Dept. of Financial Institutions was not provided to the prospective franchisees.

Poochie's, Stan Sixkiller, and Vandie Sixkiller are not currently registered to sell franchises in the state of Washington and have not previously been so registered.

Based upon the above Tentative Findings of Fact, the following Conclusions of Law are made:

CONCLUSIONS OF LAW

I.

The offer and/or sale of the food service establishment described above constitutes the offer and/or sale of a franchise as defined in RCW 19.100.010(16) and RCW 19.100.010(4).

II.

The offer and sale of said franchise is in violation of RCW 19.100.020 because no registration for such offer and/or sale is on file with the Securities Administrator of the State of Washington.

III.

The offer and/or sale of said franchise is in violation of RCW 19.100.170 because Poochie's, Stan Sixkiller, and Vandie Sixkiller failed to provide franchisees a complete UFOC with financial statements of the franchisor.

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NOTICE OF INTENTION TO ORDER RESPONDENTS TO CEASE AND DESIST

Based upon the above Tentative Findings of Fact and Conclusions of Law, the Securities Administrator intends to order that Respondents, and their agents and employees, shall each permanently cease and desist from violations of RCW 19.100.020 and RCW 19.100.170.

AUTHORITY AND PROCEDURE

This STATEMENT OF CHARGES AND NOTICE OF INTENTION TO ENTER ORDER TO CEASE AND DESIST is entered pursuant to the provisions of RCW 19.100.120, RCW 19.100.130, and is subject the provisions of ch. 34.05 RCW. Respondents Poochie's, Stan Sixkiller, and Vandie Sixkiller may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this order.

DATED this _____ day of April, 2000.

DEBORAH R. BORTNER
Securities Administrator

Approved By:

Presented by:

Michael E. Stevenson
Chief of Compliance

Chad Standifer
Securities Examiner

1 binding at the hearing except for the rules of privilege recognized by law. You have the right to present evidence
2 and witnesses in your own behalf who will be subject to cross examination, to cross examine those witnesses
3 presented in support of the Statement of Charges, to examine such documentary evidence as may be produced
4 against you, and to conduct discovery as is authorized in such proceedings. You may require the attendance of
5 witnesses by subpoena, pursuant to RCW 34.05.446. If you are limited English-speaking or hearing impaired, you
6 have the right to have an interpreter appointed at no cost to you, as discussed below.

7 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-
8 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for
9 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate
10 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN
11 INTERPRETER, then a qualified interpreter will be appointed at not cost to you or to the witness. You may
12 request the appointment of a qualified interpreter by indicating your request on the attached Application for
13 Adjudicative Hearing form.

14 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the
15 Application for Adjudicative Hearing form within twenty (20) days from the date you receive this notice, you will
16 be deemed to have waived your right to a hearing, and the Director of the Department of Financial Institutions or
17 the Securities Administrator may find that your failure to answer constitutes a default under RCW 34.05.440. In
18 addition, a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding may be
19 held in default in accordance with Ch. 34.05 RCW. Upon such a finding by the Presiding Officer, an appropriate
20 order will be entered disposing of this matter.

21 DATED this _____ day of _____ 2000.

22
23 _____
24 Deborah R. Bortner
25 Securities Administrator

26 NOTICE OF OPPORTUNITY TO DEFEND AND
27 OPPORTUNITY FOR HEARING

2

DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

Poochie's

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the Franchise
Investment Protection Act by:

POOCHIE'S, a business,
STAN SIXKILLER, and
VANDIE SIXKILLER,

Respondents.

SDO - 46B(2) – 00

NOTICE OF OPPORTUNITY TO DEFEND AND
OPPORTUNITY FOR HEARING

Case No. 00-02-0057

THE STATE OF WASHINGTON TO: Stan Sixkiller
107 N. 27th Avenue
Yakima, Washington 98902

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES AND NOTICE OF INTENTION TO ENTER ORDER TO CEASE AND DESIST (“the Statement of Charges”), a true and correct copy of which is attached and made part hereof, has been entered against you by the Washington State Department of Financial Institutions, Securities Division.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before an administrative law judge as Presiding Officer, upon the allegations supporting and ground for the agency action as set forth in the Statement of Charges. YOUR APPLICATION MUST BE RECEIVED BY THE SECURITIES DIVISION WITHIN TWENTY (20) DAYS FROM THE DATE THAT YOU RECEIVE THIS NOTICE. If you demand a hearing, you will be notified of the date, time, and hearing location at least seven (7) days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be recorded and will be conducted according to the Administrative Procedure Act, Ch. 34.05 RCW. The primary concern of the Administrative Law Judge, and, ultimately, the Director of the Department of Financial Institutions, will be to determine the truth of the matters asserted in the Statement of Charges. Technical rules of evidence will not be

NOTICE OF OPPORTUNITY TO DEFEND AND
OPPORTUNITY FOR HEARING

1

DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

Poochie's

1 binding at the hearing except for the rules of privilege recognized by law. You have the right to present evidence
2 and witnesses in your own behalf who will be subject to cross examination, to cross examine those witnesses
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19 held in default in accordance with Ch. 34.05 RCW. Upon such a finding by the Presiding Officer, an appropriate
20 order will be entered disposing of this matter.

21 DATED this _____ day of _____ 2000.

22
23 _____
24 Deborah R. Bortner
25 Securities Administrator

26 NOTICE OF OPPORTUNITY TO DEFEND AND
27 OPPORTUNITY FOR HEARING

2

DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

Poochie's

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20 order will be entered disposing of this matter.

21 DATED this _____ day of _____ 2000.

22
23 _____
24 Deborah R. Bortner
25 Securities Administrator

26 NOTICE OF OPPORTUNITY TO DEFEND AND
27 OPPORTUNITY FOR HEARING

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

Poochie's

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

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IN THE MATTER OF DETERMINING
Whether there has been a violation
Of the Franchise Investment Protection Act by:

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POOCHIE'S, a business,
STAN SIXKILLER and
VANDIE SIXKILLER,

Respondents.

SDO - 46C(1) – 00

APPLICATION FOR ADJUDICATIVE HEARING

Case No. 00-02-0057

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THE STATE OF WASHINGTON TO:

Poochie's
107 N. 27th Avenue
Yakima, Washington 98902

If you wish to contest the STATEMENT OF CHARGES AND NOTICE OF INTENTION TO ENTER
ORDER TO CEASE AND DESIST and have an adjudicative hearing, you must sign, date, and return this form
within twenty (20) days of the date you received it, to:

Washington State Department of Financial Institutions
Securities Division
Attn: Chad Standifer
P.O. Box 9033
Olympia, WA 98507-9033

FAILURE TO RETURN THIS FORM SO THAT IT IS RECEIVED BY THE DEPARTMENT OF
FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS OF THE DATE YOU RECEIVED IT WILL
CONSTITUTE A DEFAULT AND WILL RESULT IN THE LOSS OF YOUR RIGHT TO AN ADJUDICATIVE
HEARING. In that case, the Director of the Department of Financial Institutions or the Securities Administrator may
proceed to resolve this matter without further notice or hearing by entering an appropriate order in disposition of the
Statement of Charges.

APPLICATION FOR ADJUDICATIVE HEARING

1

Poochie's

DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

INSTRUCTIONS: Check the box beside your desired response. Mail this document as set forth above.

I.

- I request a hearing in this matter.
- I do not request a hearing in this matter.

II.

I [WILL] [WILL NOT] be represented by an attorney. His/her name, address, and telephone number are:

III.

I [REQUEST] [DO NOT REQUEST] that a qualified interpreter be appointed at no cost to me to interpret for (myself) or (my witness(es)). My, or my witness's(es'), primary language is _____ (identify language). My, or my witness's(es'), hearing impaired status is _____ (identify hearing impaired status). I understand that a qualified interpreter will be appointed at no cost to me or to my witness(es).

IV.

You have the right: To demand an adjudicative hearing, to be represented by an attorney at your own expense; and to subpoena witnesses to the hearing or subpoena the production of books or documents, and to otherwise defend against the Statement of Charges.

WARNING: FAILURE TO COMPLETE AND MAIL THIS DOCUMENT SO THAT IT IS RECEIVED BY THE SECURITIES DIVISION WITHIN 20 DAYS AFTER YOUR RECEIPT OF THE STATEMENT OF CHARGES WILL RESULT IN THE DISPOSITION OF THIS CASE AS AUTHORIZED BY RCW 34.05.440.

Dated this _____ day of _____, 2000.

**** Sign ****

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

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IN THE MATTER OF DETERMINING
Whether there has been a violation
Of the Franchise Investment Protection Act by:

SDO - 46C(2) - 00

APPLICATION FOR ADJUDICATIVE HEARING

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POOCHIE'S, a business,
STAN SIXKILLER and
VANDIE SIXKILLER,

Case No. 00-02-0057

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Respondents.

THE STATE OF WASHINGTON TO:

Stan Sixkiller
107 N. 27th Avenue
Yakima, Washington 98902

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If you wish to contest the STATEMENT OF CHARGES AND NOTICE OF INTENTION TO ENTER
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Washington State Department of Financial Institutions
Securities Division
Attn: Chad Standifer
P.O. Box 9033
Olympia, WA 98507-9033

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FAILURE TO RETURN THIS FORM SO THAT IT IS RECEIVED BY THE DEPARTMENT OF
FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS OF THE DATE YOU RECEIVED IT WILL
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HEARING. In that case, the Director of the Department of Financial Institutions or the Securities Administrator may
proceed to resolve this matter without further notice or hearing by entering an appropriate order in disposition of the
Statement of Charges.

APPLICATION FOR ADJUDICATIVE HEARING

1

DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

Poochie's

INSTRUCTIONS: Check the box beside your desired response. Mail this document as set forth above.

I.

I request a hearing in this matter.

I do not request a hearing in this matter.

II.

I [WILL] [WILL NOT] be represented by an attorney. His/her name, address, and telephone number are:

III.

I [REQUEST] [DO NOT REQUEST] that a qualified interpreter be appointed at no cost to me to interpret for (myself) or (my witness(es)). My, or my witness's(es'), primary language is _____ (identify language). My, or my witness's(es'), hearing impaired status is _____ (identify hearing impaired status). I understand that a qualified interpreter will be appointed at no cost to me or to my witness(es).

IV.

You have the right: To demand an adjudicative hearing, to be represented by an attorney at your own expense; and to subpoena witnesses to the hearing or subpoena the production of books or documents, and to otherwise defend against the Statement of Charges.

WARNING: FAILURE TO COMPLETE AND MAIL THIS DOCUMENT SO THAT IT IS RECEIVED BY THE SECURITIES DIVISION WITHIN 20 DAYS AFTER YOUR RECEIPT OF THE STATEMENT OF CHARGES WILL RESULT IN THE DISPOSITION OF THIS CASE AS AUTHORIZED BY RCW 34.05.440.

Dated this _____ day of _____, 2000.

**** Sign ****

Address:

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

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IN THE MATTER OF DETERMINING
Whether there has been a violation
Of the Franchise Investment Protection Act by:

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POOCHIE'S, a business,
STAN SIXKILLER, and
VANDIE SIXKILLER,

Respondents.

SDO - 46C(3) - 00

APPLICATION FOR ADJUDICATIVE HEARING

Case No. 00-02-0057

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THE STATE OF WASHINGTON TO:

Vandie Sixkiller
107 N. 27th Avenue
Yakima, Washington 98902

If you wish to contest the STATEMENT OF CHARGES AND NOTICE OF INTENTION TO ENTER
ORDER TO CEASE AND DESIST and have an adjudicative hearing, you must sign, date, and return this form
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Washington State Department of Financial Institutions
Securities Division
Attn: Chad Standifer
P.O. Box 9033
Olympia, WA 98507-9033

FAILURE TO RETURN THIS FORM SO THAT IT IS RECEIVED BY THE DEPARTMENT OF
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APPLICATION FOR ADJUDICATIVE HEARING

1

Poochie's

DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Division
PO Box 9033
Olympia, WA 98507-9033
360-902-8760

1 STATEMENT OF CHARGES WILL RESULT IN THE DISPOSITION OF THIS CASE AS AUTHORIZED
2 BY RCW 34.05.440.

3 Dated this _____ day of _____, 2000.

4
5 ** Sign **

6 _____

7 Address:

8 _____

9 _____

10 _____